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| 10/574,733 | 04/06/2006 | Ernst Werner Wagner | | 5434 |
| 24271 | 7590 | 09/24/2007 | | |
| JOHN ALEXANDER GALBREATH 2516 CHESTNUT WOODS CT REISTERSTOWN, MD 21136 | | | | |
| | | | EXAMINER GORMAN, DARREN W | |
| | | | ART UNIT 3752 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,733

Applicant(s)

WAGNER, ERNST WERNER

Examiner

Darren W. Gorman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/6/06 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 11-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on May 19, 2006 is hereby acknowledged and has been placed of record. Please find attached a signed and initialed copy of the PTO 1449.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “fire detection device, in particular an aspirative fire detection device”, as recited in claims 29-34, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Reference number “15”, as shown in Figure 2 is not found in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are further objected to because each of the drawings are labeled as “Figur 1”, “Figur 2” and “Figur 3”, which is not proper English. The word “Figur” on each drawing page should be replaced with “Figure” or “Fig.”

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not contain any description with respect to the high-pressure pipe consisting of a “fiber-reinforced composite”, as recited in claim 11.

The specification does not contain any description with respect to the high-pressure pipe having a “pressure capacity of 300-700 bar”.

Minor Claim Suggestions By Examiner

6. The following changes are recommended to improve clarity of the claims. The claims have been examined on the merits including the suggested changes below.

- In claim 1, on line 1, “spatial” should be replaced with --target--
- In claim 1, on line 2, “spatial” should be replaced with --target--
- In claim 1, on lines 2-3, “(referred to in the following as “target area”)” should be deleted
- In claim 1, on line 4, “which in each case” should be replaced with --wherein each of said at least one supply line system--
- In claim 1, on line 7, --said-- should be inserted between “into” and “target”
- In claim 1, on line 10, --said-- should be inserted between “into” and “target”
- In claim 1, on line 13, --said-- should be inserted between “of” and “high-pressure”
- In claim 13, on line 2, --said at least one-- should be inserted before “supply line system”
- In claim 13, on line 2, --said-- should be inserted between “in” and “target”
- In claim 13, on line 3, --said-- should be inserted between “adjacent” and “target”
- In claim 14, on line 2, --said at least one-- should be inserted between “and” and “supply line system”
- In claim 14, on line 2, --said-- should be inserted between “in” and “target”
- In claim 14, on line 3, --said-- should be inserted between “adjacent” and “target”
- In claim 15, on line 2, --said at least one-- should be inserted between “and” and “supply line system”
- In claim 15, on line 2, --said-- should be inserted between “in” and “target”
- In claim 15, on line 3, --said-- should be inserted between “adjacent” and “target”

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- In claim 20, on line 3, --said at least one-- should be inserted between “means of” and “mechanism”
- In claim 21, on line 3, --said at least one-- should be inserted between “means of” and “mechanism”
- In claim 22, on line 3, --said at least one-- should be inserted between “means of” and “mechanism”
- In claim 23, on line 3, --said at least one-- should be inserted between “means of” and “mechanism”
- In claim 24, on line 2, --said-- should be inserted between “in” and “target”
- In claim 24, on line 3, “extinguishing agent” should be replaced with --the oxygen-displacing gas--
- In claim 24, on line 3, --said-- should be inserted between “into” and “target”
- In claim 25, on line 2, --said-- should be inserted between “in” and “target”
- In claim 25, on line 3, “extinguishing agent” should be replaced with --the oxygen-displacing gas--
- In claim 25, on line 3, --said-- should be inserted between “into” and “target”
- In claim 26, on line 2, --said-- should be inserted between “in” and “target”
- In claim 26, on line 3, “extinguishing agent” should be replaced with --the oxygen-displacing gas--
- In claim 26, on line 3, --said-- should be inserted between “into” and “target”
- In claim 27, on line 2, --said-- should be inserted between “in” and “target”

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- In claim 27, on line 3, “extinguishing agent” should be replaced with --the oxygen-displacing gas--
- In claim 27, on line 3, --said-- should be inserted between “into” and “target”
- In claim 28, on line 2, --said-- should be inserted between “in” and “target”
- In claim 28, on line 3, “extinguishing agent” should be replaced with --the oxygen-displacing gas--
- In claim 28, on line 3, --said-- should be inserted between “into” and “target”

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1 and 11-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, on line 13, the recitation, “whereby each head section...” is indefinite, since no “head sections” of the “high-pressure pipe” have yet been defined in the claim.

Regarding each of claims 29-34, the recitation, “wherein said controller is further provided with a fire detection device, in particular an aspirative fire detection device” is indefinite. The phrase “in particular” renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 42, the claim appears to be reciting a method, however no method step or steps are recited in the claim. Is claim 42 attempting to recite a method or is it attempting to further limit the claimed apparatus?

Allowable Subject Matter

9. Claims 1 and 11-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

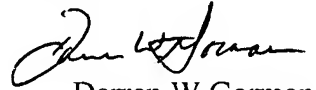
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Kotliar, Wagner, and Wagner et al., are cited as of interest.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Darren W Gorman
Examiner
Art Unit 3752


DWG
September 12, 2007